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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/660,773

09/12/2003

Kouichi Tada

100341-00046

5773

4372

7590

05/02/2006

ARENT FOX PLLC

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WASHINGTON, DC 20036

EXAMINER

JONES, CRYSTAL L

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/660,773

Applicant(s)

TADA ET AL.

Examiner

Crystal Jones

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

On page 2, line 9, "truck" should be changed to --track--.

On page 5, line 2, "dick" should be changed to --disk--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogihara (U.S. Publication 2002/0075780) in view of Ogawa (U.S. Publication 2002/0105864).

Regarding claim 1, Ogihara discloses a disk kind identifying method that identifies a DVD-RW or a DVD+RW ([0032]), comprising steps of: (a) detecting a wobble signal recorded on a recording surface of a disk ([0034] and [0035]); (b) determining whether a cycle of the detected wobble signal is 186 times or 32 times as long as a data cycle ([0027] and [0028]; Wobble cycle is determined based on frequency; Groove wobble frequency for a DVD-RW is 140kHz and groove wobble frequency for a DVD+RW is 810kHz); and (c) identifying, when the cycle of the wobble

signal is 186 times, a kind of said disk as the DVD-RW and, when the cycle of the wobble signal is 32 times, the kind of said disk as the DVD+RW ([0040]).

Ogihara fails to disclose using the standard clock frequency and standard groove wobble frequency of a DVD+RW disk.

Ogawa discloses the standard clock frequency of 26.16 MHz ([0145]) and standard groove wobble frequency of a DVD+RW disk as 818 kHz ([0145]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify disk-identifying device of Ogihara with the standard recording signals of Ogawa.

Motivation for the combination is to achieve a DVD-RW wobble signal cycle of 186 times the data cycle and a DVD+RW wobble signal cycle of 32 times the data cycle ( $186 \cdot 140\text{kHz} = 26.16\text{MHz}$  and  $32 \cdot 818\text{kHz} = 26.16\text{MHz}$ ).

Regarding claim 2, Ogihara discloses a disk apparatus (Fig. 1) which identifies a DVD-RW or a DVD+RW and executes recording and reproducing depending upon a kind of an identified disk, comprising: a detector (Fig. 1, element 118) for detecting a wobble signal recorded on a recording surface of said disk; a determiner (Fig. 3, elements 121 and 122; see also [0034] and [0035]) for determining whether a cycle of the wobble signal detected by said detector is 186 times or 32 times as long as a data cycle ([0027] and [0028]); Wobble cycle is determined based on frequency; Groove wobble frequency for a DVD-RW is 140kHz and groove wobble frequency for a DVD+RW is 810kHz), and an identifier (Fig. 1, element 105; see also [0040]) for identifying, when the cycle of the wobble signal is 186 times, the kind of said disk as the

DVD-RW and, when the cycle of the wobble signal is 32 times, the kind of said disk as the DVD+RW.

Ogihara fails to disclose using the standard clock frequency and standard groove wobble frequency of a DVD+RW disk.

Ogawa discloses the standard clock frequency of 26.16 MHz ([0145]) and standard groove wobble frequency of a DVD+RW disk as 818 kHz ([0145]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify disk-identifying device of Ogihara with the standard recording signals of Ogawa.

Motivation for the combination is to achieve a DVD-RW wobble signal cycle of 186 times the data cycle and a DVD+RW wobble signal cycle of 32 times the data cycle ( $186 \cdot 140\text{kHz} = 26.16\text{MHz}$  and  $32 \cdot 818\text{kHz} = 26.16\text{MHz}$ ).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ono et al. (U.S. Publication 2002/0150017).

Ono et al. disclose a disk discriminating method and apparatus that can discriminate among a plurality of optical disks using the extracted wobble signals but do not disclose identifying the disk based upon the detected wobble signal cycle as a multiple of the data cycle.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal Jones whose telephone number is 571-272-2849. The examiner can normally be reached on Monday through Friday, 8:30 a.m. to 6 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJ

WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER